



The City of Lee's Summit
Action Letter
City Council - Regular Session

Thursday, October 13, 2016

6:15 PM

City Council Chambers

City Hall

220 SE Green Street

Lee's Summit, MO 64063

(816) 969-1000

REGULAR SESSION NO. 15

CALL TO ORDER

Mayor Rhoads called the October 13, 2016, Lee's Summit City Council Regular Session No. 15 to order at 6:20 p.m.

Present: 8 - Mayor Randall Rhoads
Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Dave Mosby
Councilmember Diane Seif

Absent: 1 - Councilmember Craig Faith

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: 7 - Councilmember Rob Binney
Councilmember Trish Carlyle
Councilmember Phyllis Edson
Councilmember Diane Forte
Councilmember Chris Moreno
Councilmember Dave Mosby
Councilmember Diane Seif

Absent: 1 - Councilmember Craig Faith

APPROVAL OF AGENDA

ACTION: On motion of Councilmember Binney, second by Councilmember Mosby, the Council voted unanimously to approved the posted agenda.

1. PUBLIC COMMENTS:

Mr. Nicholas Moreno addressed the Council regarding comments about his brother, Councilmember Chris Moreno, and his family.

2. COUNCIL COMMENTS:

NOTE: Mayor Rhoads moved this item to the last of the agenda.

Councilmember Seif advised that the Homeowners Associations (HOA) in District 3 are becoming more active. Residents are coming to the HOA meetings to talk about what is happening, specifically the Development Center and various projects. This is very positive. She felt councilmembers are better prepared to answer questions from residents at the meetings because Staff provides comprehensive updates and information.

Councilmember Edson stated the committee meeting dates need to be on the bills. She was also having a problem on her iPad because the margins get bigger as she scrolls down into the document.

3. APPROVAL OF CONSENT AGENDA:

There were no items for the Consent Agenda.

ACTION: There were no items under "Consent Agenda" to be approved.

4. PROPOSED ORDINANCES:

- A. [BILL NO. 16-212](#) AN ORDINANCE ACCEPTING FINAL PLAT ENTITLED "NAPA VALLEY, 3RD PLAT, LOTS 116-146", AS A SUBDIVISION TO THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Seif, that Bill No. 16-212 be adopted and numbered Ord. No. 7988. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7988

- B. [BILL NO. 16-213](#) AN ORDINANCE APPROVING A SOLE SOURCE PURCHASE JUSTIFICATION AND AMENDMENT TO SERVICE AGREEMENT FOR PERMIT SERVICES SOFTWARE FOR A PERIOD OF ONE YEAR WITH FOUR (4) POSSIBLE ONE YEAR RENEWALS WITH CITYVIEW, A DIVISION OF N. HARRIS COMPUTER CORPORATION FOR THE PROVISION OF SOFTWARE MAINTENANCE AND SUPPORT SERVICES TO THE CITY OF LEE'S SUMMIT, MISSOURI AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CITYVIEW, A DIVISION OF N. HARRIS COMPUTER CORPORATION FOR THE SAME.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Seif, that Bill No. 16-213 be adopted and numbered Ord. No. 7989. The motion carried by the following vote:

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Aye: 6 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Mosby
Councilmember Seif

Nay: 1 - Councilmember Moreno

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7989

- C.** [BILL NO.](#) AN ORDINANCE APPROVING A LIABILITY INSURANCE PROGRAM FOR THE
[16-214](#) LEE'S SUMMIT MUNICIPAL AIRPORT FOR THE PERIOD BEGINNING
OCTOBER 15, 2016 AND EXPIRING OCTOBER 15, 2017 WITH THE
OPTION OF TWO (2) AUTOMATIC ONE (1) YEAR RENEWALS WITH ACE
PROPERTY AND CASUALTY INSURANCE COMPANY, UNDERWRITTEN BY
CHUBB AEROSPACE IN AN ANNUAL AMOUNT NOT TO EXCEED
\$12,650.00 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH ACE PROPERTY AND CASUALTY INSURANCE
COMPANY, UNDERWRITTEN BY CHUBB AEROSPACE FOR THE SAME.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Seif, that Bill No. 16-214 be adopted and numbered Ord. No. 7990. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7990

- D.** [BILL NO.](#) AN ORDINANCE APPROVING MODIFICATION NO. 1 TO RFP NO. 2015-107
[16-215](#) TO PROVIDE FOR PHASE 2, RECORDS CONSULTING SERVICES, WITH
MCCi, LCC, IN AN AMOUNT NOT TO EXCEED \$23,750.00 AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT
WITH MCCi, LLC, ON BEHALF OF THE CITY.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Carlyle, that Bill No. 16-215 be adopted and numbered Ord. No. 7991. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

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Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7991

- E.** [BILL NO.](#) AN ORDINANCE APPROVING THE CALENDAR YEAR 2017 EMPLOYEE
[16-216](#) BENEFIT PROGRAMS, APPROVING AGREEMENTS FOR SERVICES BY AND
BETWEEN THE CITY OF LEE'S SUMMIT, MISSOURI AND BLUE CROSS BLUE
SHIELD OF KANSAS CITY, DELTA DENTAL OF MISSOURI, VSP VISION, NEW
DIRECTIONS, AND THE STANDARD FOR THE PROVISION OF EMPLOYEE
BENEFITS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE
AGREEMENTS FOR THE SAME.

The Council discussed employee insurance benefits at length.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, that Bill No. 16-216 be adopted and numbered Ord. No. 7992. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7992

- F.** [BILL NO.](#) AN ORDINANCE APPROVING AMENDMENT NO.4 TO THE BUDGET FOR
[16-217](#) THE FISCAL YEAR ENDING JUNE 30, 2017, AS ADOPTED BY ORDINANCE
NO. 7894, BY REVISING THE AUTHORIZED PAY AND CLASSIFICATION
PLAN AND THE AUTHORIZED BUDGET EXPENDITURES OF THE CITY OF
LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Edson, seconded by Councilmember Carlyle, that Bill No. 16-217 be adopted and numbered Ord. No. 7993. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7993

- G.** [BILL NO.](#) AN ORDINANCE APPROVING AMENDMENT NO. 5 TO THE BUDGET FOR
[16-218](#) THE FISCAL YEAR ENDING JUNE 30, 2017 AS ADOPTED BY ORDINANCE
NO. 7894 BY REVISING THE AUTHORIZED PAY AND CLASSIFICATION
PLAN AND AUTHORIZED ALLOCATION OF FULL TIME EQUIVALENTS FOR
CERTAIN POSITIONS AND THE AUTHORIZED BUDGET EXPENDITURES OF

THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Moreno, seconded by Councilmember Seif, that Bill No. 16-218 be adopted and numbered Ord. No. 7994. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7994

5. PUBLIC HEARINGS (Sworn):

- A. [2016-0570](#)** PUBLIC HEARING - Appl. #PL2016-153 - REZONING from RP-2 to RP-3 - 202 SW 3rd St; Harlen & Liesl Hays, applicants

Mayor Rhoads closed the regular session and opened the public hearing at 7:15 p.m.

Ms. Liesl Hays, 1320 NE Kenwood Drive, reviewed her application for a Bed and Breakfast. The rezoning was required because she and her family, as owners, will not be living on site but will have a live-in manager for the business. The house contains 4 bedrooms and 4 bathrooms. They want to maintain the historic nature of the structure.

Mr. Hector Soto, Planning Division Manager, submitted Exhibits 1-27, which were accepted into the record without objection by Mayor Rhoads. Staff recommended approval of the application.

Mr. Donnie Rodger, Director of Downtown Lee's Summit Main Street, spoke in favor of the applicant and the application.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 7:20 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Binney, seconded by Councilmember Forte, to direct staff to present an ordinance approving Application #PL2016-153 - Rezoning from RP-2 to RP-3 - 202 SW 3rd Street, Harlen & Liesl Hays, applicants. The motion carried by a unanimous vote (Councilmember Faith "Absent").

- B. [2016-0572](#)** PUBLIC HEARING - Appl. #PL2016-154 - SPECIAL USE PERMIT for a bed & breakfast inn - The Browning, 202 SW 3rd St; Harlen & Liesl Hays, applicants

NOTE: Councilmember Mosby away from the table at 7:21 p.m.

Mayor Rhoads closed the regular session at 7:21 p.m. and opened the

public hearing.

The applicant, Ms. Liesl Hays, stated she will comply with all the conditions outlined in the UDO, Building Code, Fire Code and Life Safety Code.

Mr. Hector Soto, Jr., Planning Division Manager, submitted Exhibits 1-27, which were accepted into the record without objection by Mayor Rhoads. The ten year time period for the special use was based on the approval of ten years for other types of special use applications, since there was no benchmark for a bed and breakfast permit. In answer to a question from Councilmember Carlyle, Mr. Soto advised the special use permit would stay with the facility but any new owners would be required to apply for a transfer of the permit. Staff recommended approval of the application, subject to Conditions 1 and 2.

NOTE: Councilmember Mosby returned at 7:30 p.m.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 7:30 p.m. and reconvened the regular session.

ACTION: A motion was made by Councilmember Mosby, seconded by Councilmember Forte, to direct staff to present an ordinance approving Application #PL2016-154 - Special Use Permit for a bed & breakfast inn - The Browning, 202 SW 3rd Sreet, Harlen & Liesl Hays, applicants. The motion carried by a unanimous vote (Councilmember Faith "Absent").

- C. [2016-0599](#) PUBLIC HEARING - Appl. #PL2016-166 - REZONING from TNZ to PO - First Baptist Church, 2 NE Douglas St; First Baptist Church, applicant

NOTE: Councilmember Moreno away from the table at 7:35 p.m.

Mayor Rhoads closed the regular session at 7:35 p.m. and opened the public hearing.

Ms. Beth Garner was present to represent the First Baptist Church. The purpose of this application is to allow replacement of the sign in the front of the church.

Mr. Hector Soto, Jr., Planning Division Manager, submitted Exhibits 1-17, which were accepted into the record without objection by Mayor Rhoads. The existing TNZ zoning, which is the zoning on the downtown area, currently allows only an 8' sign that would hang from an arm. Since this sign is grandfathered, any replacement must comply with the requirements in the TNZ zoning district. The requested zoning would allow a larger sign and larger structure. There were a number of properties in the area zoned PO and PRO. Staff recommended approval of the requested rezoning.

NOTE: Councilmember Moreno returned to the table at 7:40 p.m.

Councilmember Binney was concerned that a digital sign would be distracting and too wordy. Mr. Soto advised the messages have limits. After further discussion, Councilmember Binney moved to continue the application until October 20, 2016; motion was seconded by Councilmember Carlyle. In discussion, Mr. Arbo explained this application was for rezoning only, not for the sign. Any sign would be approved administratively by Staff.

Hearing no further testimony, Mayor Rhoads closed the public hearing at 7:55 p.m. and reconvened the regular session.

On motion by Councilmember Binney, second by Councilmember Carlyle, the Council voted 2 "aye" (Councilmembers Binney and Carlyle), 5 "no" (Councilmembers Edson, Moreno, Forte, Seif and Mosby), to CONTINUE the application. MOTION FAILED.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Moreno, to direct staff to present an ordinance approving Application #PL2016-166 - REZONING from TNZ to PO - First Baptist Church, 2 NE Douglas St; First Baptist Church, applicant. The motion carried by the following vote: 5 "aye" (Councilmembers Forte, Moreno, Edson, Seif and Mosby), and 2 "no" (Councilmembers Binney and Carlyle).

6. OTHER BUSINESS:

- A.** [BILL NO.
16-219](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM DISTRICT PLANNED TWO-FAMILY RESIDENTIAL (RP-2) TO DISTRICT PLANNED RESIDENTIAL MIXED USE (RP-3), APPROXIMATELY 0.28 ACRES LOCATED AT 202 SW 3RD ST., ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Forte, seconded by Councilmember Carlyle, that Bill No. 16-219 be adopted and numbered Ord. No. 7995. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
 Councilmember Carlyle
 Councilmember Edson
 Councilmember Forte
 Councilmember Moreno
 Councilmember Mosby
 Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7995

- B.** [BILL NO.
16-220](#) AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A BED & BREAKFAST INN IN DISTRICT RP-3 ON LAND LOCATED AT 202 SW 3RD

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ST., THE BROWNING, FOR A PERIOD OF TEN (10) YEARS, ALL IN ACCORDANCE WITH ARTICLE 10 WITHIN THE UNIFIED DEVELOPMENT ORDINANCE, FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Seif, seconded by Councilmember Mosby, that Bill No. 16-220 be adopted and numbered Ord. No. 7996. The motion carried by the following vote:

Aye: 7 - Councilmember Binney
Councilmember Carlyle
Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7996

- C. [BILL NO. 16-221](#) AN ORDINANCE GRANTING A CHANGE IN ZONING CLASSIFICATION FROM DISTRICT TRANSITIONAL NEIGHBORHOOD ZONE (TNZ) TO DISTRICT PLANNED OFFICE (PO), APPROXIMATELY 3.13 ACRES LOCATED AT 2 NE DOUGLAS ST., ALL IN ACCORDANCE WITH THE PROVISIONS OF UNIFIED DEVELOPMENT ORDINANCE NO. 5209 FOR THE CITY OF LEE'S SUMMIT, MISSOURI.

ACTION: A motion was made by Councilmember Carlyle, seconded by Councilmember Forte, that Bill No. 16-221 be adopted and numbered Ord. No. 7997. The motion carried by the following vote:

Aye: 5 - Councilmember Edson
Councilmember Forte
Councilmember Moreno
Councilmember Mosby
Councilmember Seif

Nay: 2 - Councilmember Binney
Councilmember Carlyle

Absent: 1 - Councilmember Faith

Enactment No: Ord. No. 7997

- D. [2016-0609](#) Presentation and Review of Economic Development Incentive Policy - Chapter 100 Incentive Program for multi-family residential projects

Mr. Mark Dunning, Assistant City Manager, explained this was a high level policy discussion. The Economic Development Incentive Policy was adopted in February of 2015 and amended in October, 2015, and will be reviewed by the CEDC Committee.

Councilmember Binney requested Mr. Dave Bushek provide his presentation again, which was an overview of all incentives. He also requested an update on the number of housing units. Mayor Rhoads appreciated this request and further stated the Development Center and

others who deal with development on a daily basis are able to pick up on trends. The Incentive Policy should be a dynamic document; as horizons change, the document needs to be amended.

7. COMMITTEE REPORTS (Committee chairs report on matters held in Committee):

Councilmember Forte advised the CEDC looked at the 150 overlay. As discussed in the presentation on the Economic Development Incentive Policy, they will meet with EDC and also revisit the Incentive Policy. Councilmember Forte also complimented Chris Hughey and Dawn Bell with the Development Center. She watches them as they work with the different applicants and the positive impact on the process, which helps the committee be successful.

8. COUNCIL ROUNDTABLE:

Mayor Rhoads received correspondence from concerned citizens. He stated his serious concern about Council's public and private comments, rudeness and insensitive behavior. They were not adhering to a code of conduct and ethics. In many ways, Lee's Summit set a high bar by being a model city. This behavior was a disappointment to citizens and regional and private partners. He strongly believed this Council could be the leaders the voters elected them to be.

9. STAFF ROUNDTABLE:

Mr. Arbo discussed the next opportunity to hold a Strategic Planning session, which would be November 10th. He asked the Council to check their calendars for attendance.

Mr. Dunning introduced Mr. Ryan Elam who was recently hired as the Development Center Director.

ADJOURNMENT

For your convenience, City Council agendas, as well as videos of City Council and Council Committee meetings, may be viewed on the City's Internet site at "www.cityofls.net".